

The Daily Gazetteer.

NUMB. 168

SATURDAY, JANUARY 10. 1736.

N^o 168.

The Rights of Nature and Society farther Considered.



THE Writers against equal and just Liberty, who scandalously call themselves Advocates for the Constitution, having disgraced Liberty itself, are now endeavouring to disgrace the best and greatest Defenders of it, by taking Pieces of Passages from their Books, and turning them directly against the

plain Meaning of the Authors express'd thro' the whole Scope and Design of their immortal Writings; and, to shew, that they intend to spare none, they are not ashamed to cite Mr. Locke, who, of all Writers in the Cause of Liberty, is most opposite to their Maxims: That wise and judicious Author, who made the Law of Nature the Foundation and Reason of all Laws of Countries, would have looked with Abhorrence upon the Profligate who should place him among the shameful Surrenderers of Natural Rights: But, let him speak for himself. In his Treatise of Government, p. 174, he has these Words: 'Tho' it would be besides my present Purpose, to enter here into the Particulars of the Law of Nature; yet, it is certain, there is such a Law, and that too as intelligible and plain to a rational Creature and a Student of that Law, as the positive Laws of Commonwealths, nay, possibly plainer; as much as Reason is easier to be understood, than the Phantries and intricate Contrivances of Men following contrary and hidden Interests put into Words; for so, truly, are a great Part of the Municipal Laws of Countries; which are only so far right, as they are founded on the Law of Nature, by which they are to be regulated and interpreted.'

Mr. Locke is here so far from giving up or surrendering the Law of Nature, or the Rights of Nature, into the Hands of the Society, that he says, the Laws of a Society are only so far right, as they are founded on the Law of Nature; by which Law alone, they are also to be regulated and interpreted: That is, all Laws of Countries are to be framed, regulated, and interpreted according to the Law of Reason; or, in other Words, all human Laws are only to be Declarations and Enforcements of the eternal Law of Equity.

This being most evident, it follows, that no Men can contend for a Surrender of Natural Rights to Governments, but with the same View as some Men have contended for a Surrender of Natural Reason to the Church; both which are to serve the Ends of bad Governments and bad Religions: When bad Religions, or Superstitions are to be introduced and established, Reason, as its irreconcilable Enemy, is to be knock'd down: 'Tis to be called Carnal and Blind; (tho' they might as well call it Square or Round) and 'tis to be declared Insufficient to answer the Ends and Purposes, for which alone God gave it us. And, when Men have a Design to justify bad Governments, or, unequal and partial Laws, then natural Rights are to be run down, and declared incompatible with the Rights of Society: The Consequences of which Doctrines are terrible to Mankind; for, if once natural Reason be given up, all Religions are upon a Level, and there is no proving one to be wiser or better than another; and, if natural Rights be given up, all Governments are upon a Level, and there is no proving one Political Institution wiser or better than another: So that if ever we suffer this natural Standard of all Right and Wrong, Truth and Falshood, just and Unjust, to be wrested out of our Hands, we are then absolutely defenceless; our Eyes are put out, our Strength is gone; the Philistines will immediately be upon us, and do with us whatever they please: We should therefore look upon every Man as an Impostor and Deceiver, as a Nuisance to the Community, and a Plotter against all the Rights of Mankind, who pleads for a Surrender of natural Reason, and natural Rights. If we once give up these, we are lost; if we yield up one Branch of them, we are in Danger of being lost; for Error, like Vice, stands upon a Precipice; if we begin to wander into the dangerous Path, we may not be able to stop, till our Fall is irrecoverable and mortal. We should guard then against every the least Attack

upon Liberty; but, when the Enemy boldly strikes at the Foundation, and denies natural Rights, we should exert all our Strength.

This is the Reason why I have wrote so many Papers upon the Subject, and shewn (I think to Demonstration) that the Rights of Nature, and the Rights of Society, are the same; that they are never incompatible; that the one ought never to be given up to the other; and that a just and equal Government can never require the Surrender of any natural Right; or, that it can never be in such Circumstances as to be under a Necessity of requiring such a Surrender. This I have done, by explaining and fixing what the Law of Nature is, and what a just Government is.

I have shewn, that the Law of Nature is the Law of Reason; that, from the Nature of Man, arises a certain Reason of Action in regard to himself, which is the Foundation of Temperance and Prudence; and that, from the Relation he stands in to other Men, there arises a certain Reason of Action in regard to them, which is the Foundation of Justice and Benevolence: I have shewn, that, from this eternal Reason of Action, arise all the Rights of Men, which we justly call natural Rights; and that these Rights founded in our Natures, and the Relation we stand in to others, must be immutable, inviolable, and consistent one with another; because the Nature of Man is always the same, and his Relation to others always the same; and consequently they ought never to be given up.

For the better Preservation and Security of all these Rights, Government was instituted, and for that Purpose only; because the Rights of Nature being all uniform, consistent, and the undoubted Will of God (who formed our Natures, and established the Relation of Things) there never can be a just Necessity for giving up one to preserve the rest; I say, not a just Necessity: Nor can a Government ever be in such Circumstances as to require a Surrender of one natural Right to secure any legal Rights, but it must be wrong in that Respect; because 'tis contrary to the eternal Rules of Equity that one Part of the Subjects should have Rights by Law, inconsistent with the Rights of others by Nature; or, in other Words, those Subjects possess an unjust Property, tho' legal, which is built upon the Deprivation of the natural Rights of others: Therefore, when the Author of the Occasional Paper allows natural Right, and yet says, those who make use of that natural Right ought to be put under legal Incapacities for it, he says the most senseless and wicked Thing imaginable; He says, that Right ought to submit to Law, or be punished for not submitting to it: He says, that the Laws of God (for such natural Rights are) ought to be made subservient to the Laws of Men; or, that Men should be punished by human Laws for inviolably adhering to divine Laws. But this he should have left to Mr. Hobbes to say, who affirms, that when Men teach true Philosophy, or Wisdom against Law, they ought to be punished by Law; and that the supreme Power of a Nation constitutes Right and Wrong. We shall therefore leave these scandalous Surrenderers of natural Rights in the Company of the greatest Atheist that ever lived, while we make some Remarks on what hath been said by most Writers, even of just Fame and great Abilities, for the surrendering or giving up that executive Power which we had a Right to in the State of Nature, into the Hands of the Society: But, I say, this is not true.

THE executive Power which every Man hath a Right to in the State of Nature, is not so properly called a natural Right, as a Right to defend all their natural Rights; and yet this Right of Defense they don't give up, but only delegate or transfer. They erect one common Power; they arm and pay that Power for more effectually defending their Persons and Properties, than they were able to do by their own single Power, and for defending them too with less Hazard to themselves: But 'tis the People's Power still, only lodged in Trust with the Magistrate, who hath the common Right of punishing put into his Hands in all Cases, and at all Times, where that Power can reach; for, in all other Cases, where the Civil Power cannot intervene, every Man may make use of his own Force, and all the Force he can get, to defend himself against the Injurer of his Person, or the Invader of his Property; and where the Civil Power doth intervene, 'tis only by virtue of a Trust reposed in the chief Magistrates, as Servants of the

People, and to be always exercised for their Good; I say, as Servants of the People, which is the highest Character any Man is capable of: So that when King James I. said, That a King of England was the chief Servant of the Commonwealth, he spoke Divinely, and said what a King of England should always make it his chief Glory to be.

So much at present upon the Subject of natural and legal Rights: But I ought not to conclude without just mentioning a Paragraph in the last Craftsman, which has these Words: 'We have lately received Complaints from several Parts of the Kingdom, that a stupid Libel on the Constitution, called, The Daily Gazetteer, hath been sent, &c.'

I hope, for the Craftsman's Honour, that this Paragraph was sent him by some of the late Scriblers for the surrendering of natural Rights; because 'tis hard to conceive, how a Person, who hath often appeared in the Interest of Civil Liberty, and who assumes that as his distinguishing Character, should call a Vindication of the Rights of Nature, a Libel on the Constitution; for there cannot be a greater Libel on the Constitution, than to say, that Discourses in favour of just and equal Liberty, is a Libel upon it. But let him explain. If it was sent to his Printer by others, we know the Meaning of it; if put in by himself, he has no Notion of Liberty, but means, by a Libel on the Constitution, a Libel upon his ancient Constitution.

F. OSBORNE.

L O N D O N.

Yesterday arrived the Mails due from Holland and Flanders.

The Turks, upon Advice that the Russians are actually entered into Crim Tartary, with a good Army, and a great Train of Artillery, have resolved to send 25 or 30,000 Men that Way from Romelia, with 3000 Janisaries, and 4000 other Soldiers. The new Grand Vizier sent for the Russian Minister, and complained to him of it; but he made Answer, that he as yet knew nothing of it. Mean time 'tis the general Opinion at Constantinople, that the Russians have done this only by way of Reprisal for the late Incursion made by the Tartars upon the Lands of Russia; and that this Step will not be attended by any Rupture between the two Empires. — It seems that Kouli-Kan, notwithstanding his Conquest of Erivan, is not inclined to treat of a Peace with the Turks, tho' the Grand Vizier, for Reasons of State, and to pacify the Murmurs of the People, has caused a Report to be spread, that the Peace is very far advanced, inasmuch that he has put to Death several of his Enemies for giving out the contrary.

M. de Nepleuf, who has resided no less than 15 Years at Constantinople, as the Russian Minister, with great Reputation, is returned to Petersburg, and has had a very gracious Reception from the Czarina. Certain Deputies have been lately at her Court from the chief Merchants of Archangel, to propose a shorter and better Rout than has yet been settled by Land to Persia, China, and other Eastern Countries. By her Majesty's Order four skilful Miners are set out to the Mountains of Georgia, to make a completer Discovery of the Mines of Gold that were found out in the Reign of Peter I. — According to Advices from Petersburg, they have received Letters from the Russian Army commanded by Count Munich, with an Account, that it has been obliged, by a great Fall of Snow in Little Tartary, to return back from that Country, having lost a great Number of Horses in their March; and that the Troops which the Kan of the Tartars detached by Order of the Ottoman Porte, to penetrate into Persia, have been also obliged to return home without Success. — The Letters from Petersburg add, that the Czarina, for the further Encouragement of Foreigners to go and settle in her Dominions, has issued an Edict, declaring, That be they of what Religion they will, they shall have an equal Title with her native Subjects, to the Civil and Military Honours and Employments, if they have but Merit and Abilities.

According to all Advices from Poland, such a profound Tranquility spreads more and more every Day throughout

throughout all the Palatinates and Districts of that Kingdom and Lithuania, that there's all the Reason in the World to expect the next General Dyet will have a good Issue: And Major General Bismark has caused a Manifesto to be published, wherein he declares, 'That the Czarina delay'd to recal her Troops from Poland, for no other Reason, but because the Peace was not restored; but that now Things were in as happy a Train as could be desir'd, her Imperial Majesty had sent Orders for the Departure of 22,000 Men out of the Kingdom, and that the small Number of Troops that remain'd, should also soon be recalled.' The Russian Minister, Keyserling, has also publish'd Circular Letters in the Name of his Sovereign, to the same Purpose, wherein he gives the Poles fresh Assurances, 'That the Czarina, satisfied with the Glory of having relieved the Republick from Oppression, will never form any Demand for the immense Charges it has put her to.' — These Letters confirm, that the Recognition of King Augustus by the Pope, is speedily to be made by his Nuncio in Poland, who is ordered to repair with the Brief for that Purpose, directly to the Court at Warsaw, which puts the greater Value upon this Resolution of the Holy See, because let what will be the Motives of it, 'tis antecedent to the Abdication of Stanislaus, and is consequently to be look'd upon as an Acknowledgment of the Legality of King Augustus's Election, and of the Justice of those Arms which have supported it. — The Convent and Church of the Carmelites at Leopold have been confum'd to Ashes, by a Fire which happened to break out in the Convent.

The Duke of Lorain is gone from Vienna for a few Days to Presburg. The Ceremonial of his Marriage with the Archduchess, is to be the same as was that of King Augustus of Poland, when he married the Archduchess Josepha. The Duke is to be advanced, soon after the Nuptials, to the Dignity of King of the Romans; and 'tis reported, his Brother Prince Charles is to be Vice Roy of Hungary.

The 12th of next Month, N. S. being fix'd for the Wedding, the illustrious Pair are to receive the Nuptial Benediction at Maria Hitzing, which is about a League from Vienna, and then to repair for the Marriage Ceremony to the Palace of the Favorita. As the Time draws near, the Embroiderers, Taylors, and other Hands, employ'd for the Equipage, have obtained Leave of the Archbishop to work on Sundays and Saints Days. The Duke of Lorain's Pages are to have Coats of Crimfon Velvet, with Gold Lace upon all the Seams, and Waistcoats of Cloth of Gold. The Court having sent Circular Letters to the States of the Emperor's Hereditary Dominions, to provide certain Sums of Money to defray the Expences of the Marriage, those of Bohemia have resolv'd to furnish 120,000 Florins, those of Upper and Lower Austria 160,000, besides a Purse of 5000 Ducats in Specie, Silesia and Moravia 60,000 Florins each, &c. When the Duke of Lorain returns from Presburg, after having resign'd the Vice Royalty of Hungary, in Presence of all the Nobility, they are to attend him to the Frontiers of Austria, where he is to meet the Emperor a Hunting, and set out with him to Vienna. M. Stampart, the Painter to the Court, has designed the Bulls of the Duke and the Archduchess, for cutting the Dies by which several Thousand Ducats are to be coin'd and put into Purse, to be distributed to the Nobility of both Sexes that attend at the Wedding: And several ingenious Poets are sent for from Venice, who are to assist M. de Neven, the Poet Laureat to the Court, in composing an Opera for the Wedding Night. — They had received Advice at Vienna, that a Party of Croations mutiny'd against their Officers in their March to Italy, put them to the Sword, and afterwards march'd off towards the Territories of the Turks. — The Grand Vizier having wrote a Letter to Prince Eugene, notifying his Advancement, and soliciting him to cultivate a Disposition in the Emperor to continue the Peace with the Turks, while he made it his Business to keep up the same pacifick Sentiments in the Grand Seigneur; the Prince is preparing an Answer to congratulate the said Vizier, and to assure him, that the Emperor will, with Pleasure, concur for the Maintenance of Peace between the two Empires.

A Courier being arrived from Rome, at Madrid, with the Ecclesiastical Vestments for the Infante Don Lewis, Archbishop of Toledo, he put them on upon Christmas Eve, and at the same time underwent the first Tonsure. The Count de Montijo had a long Conference with Mr. Keene the British Minister, and is soon expected here to resume his Functions.

The Emperor is said to have 40,000 Men now in Italy, who, in case of Need, are to be augmented by March next, to 65 or 70,000.

His Majesty has been pleas'd to promote the Rev. Dr. Baile to the Bishoprick of Offory, in the room of Dr. Tennison deceased.

William Sherrock, the famous Gladiator at Dublin, who lately received a Cut in his right Arm, from Sutton the famous Prize Fighter, had his Arm cut off to prevent a Mortification, and died two Days after the Operation.

A melancholy Accident happened on Wednesday Se'night last at Edenderry in Ireland, where some People waiting to have their Corn ground, as the Mill was going, the Mill-stone broke, and killed one Man and a Woman, broke the Legs of another Man, and hurt several others.

A Subscription goes on at Dublin with great Success for re-building the Blue Coat Hospital.

The Commons of Ireland have pass'd the Bill, For Relief of insolvent Debtors; and that for preventing Frauds in buying and selling Corn and Meal, &c. and for regulating the Price and Measure of Bread, &c.

Last Friday Night a Woman lately committed to the Prison at Leeds in Yorkshire, being intoxicated with Gin, &c. set Fire to the Straw, and was burnt or smothered to Death. The Fire greatly alarmed the Neighbourhood, but was happily extinguished without doing any further Damage.

Last Week died at Stamford in Lincolnshire, Lady Smith, Widow of Sir Edward Smith late of Edmundthorpe in Leicestershire, by whose Death an Estate of 500 l. a Year comes to Edward Smith, Esq; one of the Representatives in Parliament for the County of Leicestershire.

His Majesty having declared his Intention to grant no more Ground to the Inhabitants of Privy Garden, last Week the same was surveyed and measured by proper Workmen, in order to form the same into an Oval, with Trees planted therein, surrounded with Iron Rails, after the Manner of Grosvenor-square.

We hear, that the Lord Chief Baron Reynolds is declared Lord Chief Justice of his Majesty's Court of Common Pleas.

Yesterday Bank Stock was 148 1-4th to 1-half. India 173 1-half. South Sea 95 3-4ths. Old Annuity 111 to 1-8th. New ditto 111 3-4ths. Three per Cent. Annuity 100 3-4ths. Emperor's Loan 111 1-4th to 1-half. Royal Assurance 102 1-half to 103. London Assurance 13 3-8ths to 1-half. York Buildings 2. African 14. India Bonds 5 l. 14 s. to 16 s. Premium. Three per Cent. ditto 4 l. Prem. South Sea Bonds 4 l. 15 s. Premium. New Bank Circulation 5 l. 2 s. Premium. Salt Tallies 3 1-half to 4 1-half Prem. English Copper 2 l. 1 s. Welsh ditto, Books shut. Three 1-half per Cent. Exchequer Orders 3 1-half per Cent. Prem. Million Bank 110.

This Day is Published,
[Price Six-Pence]
THE SECOND EDITION, of
DEFENSIO Caroli Regis. Wherein
Due Notice is taken of what is delivered by Britannus, Walsingham, &c. in several Gazetteers, injurious to the Memory of King Charles I. To which is added, a Postscript. Wherein, among other Things not unworthy Notice, is inserted a solemn Declaration of Forty-four Lords and Privy Counsellors, in Behalf of his Majesty.
'Tis some Excuse for the Dishonour of the Nation, in the late Rebellion, that we can shew so brave a List of Nobility, and Gentry, who fell in Defence of their King.
Bishop of Sarum's Sermon before the late Queen.
Printed for Thomas Boreman, near Child's Coffee-house in St. Paul's Church-yard, and to be had at the Pamphlet Shops of London and Westminster.
N.B. Those that have bought the first Edition of this Pamphlet, may have the Postscript to the Second, Gratis, if they please to send their Books to the above T. Boreman's.



at a Cellar under my House (late the Ribbon Cellar) and in a Cellar adjoining, are
To be SOLD,

AS fine old Jamaica Rum, and Coniac Brandy, as has been landed at the Port of London for many Years, WARRANTED entire neat, at 7 s. 6 d. per Gal. delivered at the Cellar Door; but in no less Quantities than 5 Gallons, all under at 8 s. per Gallon.
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On Tuesday next will be published,
THE Tragedy of ZARA. As it is Acted at the Theatre Royal in Drury-lane, by his Majesty's Servants. By Aaron Hill, Esq; Printed for J. Watts, at the Printing Office in Will-Court near Lincoln's Inn Fields; and sold by the Booksellers both of Town and Country. Of whom may be had, lately publish'd, the following Comedies, Tragedies, and Opera's, viz.

COMEDIES.
The Man of Taste.
The Mother-in-law, or the Doctor the Disafe.
The Humours of Oxford.
The Intriguing Chambermaid.
A Comedy. With an Epistle from the Author to Mrs. Clive.
The Cornish Square. By Sir John Vanbrugh, Mr. Walsin, and Mr. Congreve.
Timon in Love; or, The Innocent Theft. A Comedy. Taken from Thimon Misanthrope of the Sieur de Liffle.
The Provok'd Husband; or, A Journey to London.
The Miser.
The Modern Husband.
The Universal Gallant; or, The Different Husbands.
The Lottery.
The Modish Couple.
Don Quixote in England.
The Whim; or, The Miller's Retreat. A Farce.
The Lover.
The Coffee-House Politician; or, The Justice caught in his own Trap.
The Temple Bean.
The Dissembled Woman; or, My Son get Money.
Love in several Malignes.
The Author's Farce; and The Pleasures of the Town.
The Widow bewitch'd.
The Lettice-Writers; or, a New Way to keep a Wife at Home.
The Old Debauchee.

TRAGEDIES.
Celia; or, The Perjur'd Lover.
A True Tragical Story in Common Life, and the Incidents very Natural and Moving.
Periander, King of Corinth.
Timoleon.
The Fatal Extravagance.
Double Falshood; or, Dissembl'd Lovers.
The Virgin Queen.
The Fate of Villainy.
Scanderbeg.
The Tragedy of Tragedies; or, The Life and Death of Tom Thumb the Great.
The Covent Garden Tragedy.

the MUSIC.
The Highland Fair; or Union of the Clans.
The Jovial Crew.
Silvia; or, The Country Girl.
The Opera of Opera.
Love in a Riddle.
The Village Opera.
The Lover's Opera.
Morus turn'd Fabulist; or, Vulcan's Wedding.
The Fashionable Lady; or, Harlequin's Opera.
Patie and Peggy; or, The Fair Foundling.
Damon and Phillida.
The Chamber-Maid.
The Quaker's Opera.
Robin Hood.
The Generous Free-Mason; or, The Constant Lady.

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It keeps good for many Years at Sea, or on Shore, at Home or Abroad, i. e. in all Climates, therefore must be universally Useful.

The Doctor not only obtained his Majesty's Letters Patent for the sole Vending of this most Excellent Medicine, but also a Clause in a late Act of Parliament, exempting this Medicine from the Inspection of the Censors of the College of Physicians, to which all other Medicines are liable.

N.B. Some of the Apothecaries prepare a Styptic from a Prescription of Helvetius, and use it in the Room of Dr. Eaton's; but whoever tries both, will soon be perswaded that Our's exceeds theirs in all Respects, in a most eminent Degree.

Sold, by Licence, at Garraway's Old Shop, Practical Scheme, at the Royal Exchange; Mr. R. Bradshaw's Warehouse behind the Royal Exchange; Mr. John Potter, Chymist, in Bartholomew Close; Mr. William Evans, Bookseller in Bristol; Mr. Hammond, Jun. Bookseller at York; Mr. Roe, Bookseller in Derby; Mr. Raikes, Printer in Gloucester; Mr. Dore, Printer in Northampton; Mr. Thomas Greenhill, Mercer, at Bath; Mr. Abree, Printer, at Canterbury; Mr. Howard, an Apothecary at Kidderminster; Mrs. Trolbridge, a Shop-keeper in Exeter; Mr. Hallifax, an Apothecary at Brackley; Mrs. Unett, a Bookseller, at Woolverhampton, and Mr. Bryan, a Printer, at Worcester.